

Message Text

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ACTION IO-10

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E.O. 11652: N/A

TAGS: ECE

SUBJECT: ECE-REVISION OF TIR CONVENTION

REF: GENEVA 6669

SUMMARY. REVISION OF 1959 CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSPORT OF GOODS UNDER COVER OF TIR CARNETS (TIR CONVENTION) ENCOUNTERING DIFFICULTIES BECAUSE OF EEC COMMISSION INSISTENCE ON NEGOTIATING AND SIGNING NEW CONVENTION ON ITS OWN BEHALF. EASTERN EUROPEANS FIRMLY OPPOSED. REQUEST U.S. POSITION AND OFFER TO ASSIST IN OBTAINING COMPROMISE SOLUTION PRIOR TO AD HOC MEETING ON CONVENTION MARCH 24. END SUMMARY.

1. AT THE GROUP OF EXPERTS MEETING ON CUSTOMS QUESTIONS AFFECTING TRANSPORT LAST OCTOBER, THE FRENCH DELEGATION (AS PRESIDENT OF EEC), NOTING THAT CERTAIN ASPECTS OF TIR CONVENTION WERE OF CONCERN TO EEC, ATTEMPTED TO ASSERT RIGHT OF SINGLE SPOKESMAN FOR THE NINE TO SPEAK IN THE NAME "OR ON BEHALF OF THE EEC".

FOLLOWING OBJECTIONS BY EASTERN EUROPEANS, FRANCE

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AGREED TO FOLLOW PAST PRACTICE WHICH PERMITTED SINGLE

SPOKESMAN ON BEHALF OF GROUP OF GOVERNMENTS ON THE BASIS OF A DELEGATION OF AUTHORITY FROM THESE GOVERNMENTS BUT NOT ON BEHALF OF AN INTER-GOVERNMENTAL BODY. (REFTEL).

2. DURING CONSIDERATION OF REPORT OF GROUP OF EXPERTS AT THE RECENT INLAND TRANSPORT COMMITTEE MEETING, IRELAND (AS PRESIDENT OF EEC) REITERATED POSITION THAT, REGARDING CERTAIN ASPECTS OF TIR CONVENTION, COMMUNITY, "WOULD SUBMIT COMMON STANDPOINTS BY A SINGLE SPOKESMAN AS REPRESENTATIVE OF THE COMMUNITY AND ITS NINE MEMBER STATES". THE IRISH REPRESENTATIVE ADDED THAT THE EEC AND ITS MEMBER STATES ARE OF OPINION THAT THIS PROBLEM NEED NOT AFFECT CONTINUATION OF WORK OF GROUP OF EXPERTS.

3. USSR, SUPPORTED BY OTHER EASTERN EUROPEANS REPLIED THAT, ACCORDING TO ECE TERMS OF REFERENCE, DELEGATES PARTICIPATED IN WORK OF COMMISSION AS REPRESENTATIVES OF GOVERNMENTS AND NOT AS REPRESENTATIVES OF CUSTOMS, ECONOMIC OR ANY OTHER FORMS OF UNION. THEY ARGUED THAT ARTICLE 12 OF TERMS OF REFERENCE PROVIDE THAT REPRESENTATIVES OF INTERGOVERNMENTAL ORGANIZATIONS COULD PARTICIPATE IN CONSULTATIVE CAPACITY IN CONSIDERATION OF MATTERS OF CONCERN TO THEM BUT THAT OFFICIALS OF SUCH ORGANIZATIONS DO NOT HAVE RIGHT TO SPEAK OR ACT IN NAME OF OR AS ACCREDITED REPRESENTATIVES OF GOVERNMENTS OF MEMBER STATES. NOR DO GOVERNMENT REPRESENTATIVES HAVE RIGHT TO SPEAK ON BEHALF OF A UNION.

4. EASTERN EUROPEANS OBJECT SPECIFICALLY TO THE FIRST 3 PARAGRAPHS OF ARTICLE 51 OF DRAFT MODIFICATIONS TO THE CONVENTION (TRANS/GE/30/4/ADD.1) WHICH STATE:

"BEGIN BRACKETS 1. THE PRESENT CONVENTION SHALL BE OPEN FOR SIGNATURE OR ACCESSION BY STATES MEMBERS OF THE ECONOMIC COMMISSION FOR EUROPE.

"2. SUCH STATES AS MAY PARTICIPATE IN CERTAIN ACTIVITIES OF THE ECONOMIC COMMISSION FOR EUROPE IN ACCORDANCE WITH PARAGRAPH 11 OF THE COMMISSION'S TERMS OF REFERENCE MAY LIMITED OFFICIAL USE

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BECOME CONTRACTING PARTIES TO THE PRESENT CONVENTION BY ACEDING THERETO AFTER ITS ENTRY INTO FORCE. END BRACKETS.

" BEGIN BRACKETS 3. THE PROVISIONS OF PARAGRAPHS 1 AND 2 OF THIS ARTICLE SHALL ALSO APPLY TO CUSTOMS OR ECONOMIC UNIONS, THE MEMBER STATES OF WHICH ARE CONTRACTING PARTIES TO THE PRESENT CONVENTION, IN SO FAR AS THE OBLIGATIONS ARISING FROM THE INSTRUMENTS ESTABLISHING SUCH UNIONS REQUIRE THE

COMPETENT BODIES TO CONTRACT IN THEIR OWN
NAME. HOWEVER, SUCH BODIES SHALL NOT HAVE THE RIGHT
TO VOTE. END BRACKETS."

5. AD HOC MEETING TO EXAMINE THE DRAFT WILL BE
CONVENED IN GENEVA FROM 24-26 MARCH WHICH WILL BE
FINAL SESSION PRIOR TO FORMAL REVIEW CONFERENCE AT
VIENNA IN NOVEMBER, 1975. ANTICIPATE THAT ARTICLE 51
WILL BE MAJOR ISSUE AT THIS MEETING AND, IF NOT RESOLVED,
COULD HAVE DETRIMENTAL EFFECT ON VIENNA CONFERENCE.

6. U.S. HAS NOT TAKEN A POSITION ON ARTICLE 51 AND
UNCLEAR FROM PREVIOUS INSTRUCTIONS (DEPT. A-8101) WHETHER
FULL IMPLICATIONS HAVE BEEN EXAMINED. WOULD APPRECIATE
VIEWS WHETHER US WOULD HAVE PROBLEMS WITH EEC SIGNATURE
OF TIR CONVENTION.

7. IRRESPECTIVE OF THE UMS. POSITION, IT SHOULD BE
RECOGNIZED THAT EEC AND WASTERN EUROPEAN POSITIONS APPEAR
IRRECONCILABLE, AND THAT U.S. MAY WISH TO HELP IN WORKING
OUT COMPROMISE. CONSULTATIONS WITH THE COMMISSION IN
BRUSSELS COULD BE USEFUL IN THIS REGARD. DALE

NOTE BY OC/T: REFTEL INCORRECT.

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